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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,777	04/16/2004	Thomas P. Bishop	VIEO1230	1293

34456 7590 03/21/2008

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EXAMINER	
SCHEIBEL, ROBERT C	

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
03/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/826,777	BISHOP ET AL.	
	Examiner	Art Unit	
	ROBERT C. SCHEIBEL	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim **10** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim does not list any structural limitations for the apparatus. As such, the claim covers every conceivable structure for achieving the stated property (implementing the method) while the specification discloses only at most the structure(s) known to the inventor.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim **10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 states "an apparatus for implementing the method of claim 1". The claim states that it is for an apparatus, but the only limitations are the method steps. It is indefinite in that what means are there to perform the recited steps.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims **1, 2, and 10-12** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,304,578 to Fluss.

Regarding claim **1**, Fluss discloses a method of classifying a communication in an application infrastructure:

examining a packet (block 303 of Figure 3);

classifying the packet as management data or content data (block 311 of Figure 4); and

routing the packet based on the classification (the packet is assigned a priority based on the classification; this priority is used in the routing of the packet, so the packet is thus routed based on the classification; see lines 52-64 of column 4 and lines 15-39 of column 7).

Regarding claim **11**, the analogous limitations are anticipated as indicated above with respect to claim 1. Lines 43-64 of column 8 indicate that Fluss can be implemented in software.

Regarding claims **2 and 12**, Fluss discloses the limitation that the packet is classified based on a protocol, a source address, a destination address, a source port, a destination port, or any combination thereof in block 311 of Figure 4 which indicates classification based on a protocol.

Regarding claim **10**, router 105 of Figure 1 is anticipates an apparatus for implementing the method of claim 1.

7. Claims **1-19** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2004/0078485 to Narayanan.

Regarding claims **1 and 11**, Narayanan discloses a method of classifying a communication in an application infrastructure:

examining a packet (decision blocks B, E, and F of Figure 6; see also paragraph 37 on pages 3-4);

classifying the packet as management data or content data (if the packet is a management packet, the processing is routed to C and if it is content, the processing is routed to F in Figure 6; see also paragraph 37 on pages 3-4); and

routing the packet based on the classification (as explained in paragraph 37 and Figure 6, the control packets processed at connector C are routed to the route processor whereas the content data packets are routed normally by the line cards).

Regarding claim **10**, the router 10 is the apparatus which implements the method.

Regarding claims **2 and 12**, Narayanan discloses the limitation that the packet is classified based on a protocol, a source address, a destination address, a source port, a destination port, or any combination thereof in control block E of Figure 6, for example.

Regarding claims **3 and 13**, Narayanan discloses the limitation that classifying the packet is accomplished using a stream label mapping table (the IFT 20A is a stream label mapping table which is used in the classification of packets; this is described in paragraphs 37 and 38 which indicate that the IFT is read and updated as part of the packet classification process).

Regarding claims **4 and 14**, Narayanan discloses the limitation that routing the packet further comprises routing the packet to a management interface component (the route processor 12 is a management interface component).

Regarding claims **5 and 15**, Narayanan discloses the limitation that the packet gets routed over a management infrastructure (the interface between line cards 14 and route processor 12 in Figure 4 is a management infrastructure as it is used to pass control packets to the route processor 12).

Regarding claims **6 and 16**, Narayanan discloses the limitation that the packet is received from a management interface component (the packets are received from the connected hosts 16 which are management interface components in the sense that they generate or forward the management packets).

Regarding claims **7 and 17**, Narayanan discloses the limitation that the packet is received over a management infrastructure (the interfaces between the connected hosts and the line cards are a management infrastructure as they carry the management packets to and from the router).

Regarding claims **8 and 18**, Narayanan discloses the limitation that the packet is routed to an agent on an application infrastructure component (the route software in the route processor is an agent; see paragraph 9).

Regarding claims **9 and 19**, Narayanan discloses the limitation of blocking other traffic in the application infrastructure (as indicated in Figure 6 and related descriptions, traffic whose source address is not recognized (other traffic) is discarded; see paragraph 39, for example).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent Application Publication US 2006/0227706 A1 to Burst discloses a method for delay-based congestion detection and connection admission control.
- U.S. Patent Application Publication US 7095716 B1 to Ke et al discloses an Internet security device and method.
- U.S. Patent Application Publication US 6934250 B1 to Kejriwal et al discloses a method and apparatus for an output packet organizer.
- U.S. Patent Application Publication US 4953157 A to Franklin et al discloses a programmable data packet buffer prioritization arrangement.
- U.S. Patent Application Publication US 20070053292 A1 to DePaul et al discloses a method for facilitating DSLAM-hosted traffic management functionality.
- U.S. Patent Application Publication US 20070171914 A1 to Kadambi et al discloses a method of flow based congestion control.
- U.S. Patent Application Publication US 20020188732 A1 to Buckman discloses a method for allocating bandwidth across a network.
- U.S. Patent Application Publication US 6819652 B1 to Akhtar et al discloses a method for processing control messages in a communications system.
- U.S. Patent Application Publication US 6944678 B2 to Lu et al discloses a content-aware application switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. SCHEIBEL whose telephone number is (571)272-3169. The examiner can normally be reached on Mon-Fri from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert C. Scheibel
Examiner
Art Unit 2619

/R. C. S./
Examiner, Art Unit 2619

/Wing F Chan/
Supervisory Patent Examiner, Art Unit 2619
3/17/08